

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

2018 SEP 14 PM 3:39

M. REGINA THOMAS
CLERK

BY [Signature]
DEPUTY CLERK

IN RE:)
) 18-59411 BEM
JAMES D. CUNNINGHAM)
) Chapter 13
DEBTOR) JURY DEMAND

MOTION TO OPEN DISCOVERY
and
STAY ACTION PENDING DISCOVERY
and
MOTION FOR HEARINGS

Comes now James D. Cunningham, Debtor in the above styled action, and moves this Court to open a period of Discovery.

Through the orders entered by the Court, a number of issues are raised relative to facts, information, conversations documentary evidence and other things that the Court and other parties, by the Court's own admission, are all privy to, where Debtor has not been and is not.

While issuing no order and providing no legal authority relative to its decision to deny Debtor's Constitutionally protected Rights to Due Process and hold the August 15 2018 Hearing that resulted in the Court issuing its Order Validating Foreclosure Sale [Doc. 38], the Court made reference to the alleged fact that such was entered into the record of the hearing. Debtor is going to need to be provided both the written and recorded transcript of that hearing.

The Court also ordered that particular documents were indeed faxed to and received by attorney for a creditor, Rubin Lublin, LLC, and that they were received well before the illegal foreclosure sale took place.

The Court also referenced actions by Debtor's „preparer“, Darryl Smith

(Smith), and Debtor will need to discover for himself the scope of these actions.

Further in relation to Smith and any of his actions on Debtor's behalf not properly performed have likely caused Debtor harm, and Debtor needs to discover the full scope of Smith's interaction with the Bankruptcy Court, as it appears a number of actions have been filed against him concerning the fulfillment of his duties to his clients, and Debtor needs to discover just how much responsibility rests with the NDGA Bankruptcy Court for harm caused him by Smith's being allowed by the Court to continue doing business.

There are actions by individuals and other things also referenced by the Court that Debtor needs to investigate to discover any and all relevancy to the Court's decisions in this matter.

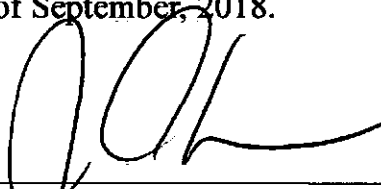
Upon culmination of Discovery, Debtor moves the Court to set all of his pending motions down for hearing.

In consideration of the within and foregoing, Debtor moves this Court to open an adequate period of discovery so as to allow Debtor to make effort to attain all that has been provided to other parties but not to Debtor, and also including other pertinent and discoverable things other parties may also not have, but such that have been made relevant by the Court's rulings and to set down a hearing on all of Debtor's pending motions upon culmination of any such Discovery period, and to stay this action and the enforcement of all judgments thereof, until hearings are held and motions are adjudicated.

Debtor separately moves the Court to immediately provide Debtor with both

the written and recorded transcripts from the August 15, 2018 Hearing,

Respectfully submitted this 14th day of September, 2018.

A handwritten signature in black ink, appearing to read 'JD Cunningham', written over a horizontal line.

James D. Cunningham
4313 Executive Drive
Stone Mountain, GA 30083

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have, this 14th day of September, 2018, served the within and foregoing upon the following, with proper first class postage applied.

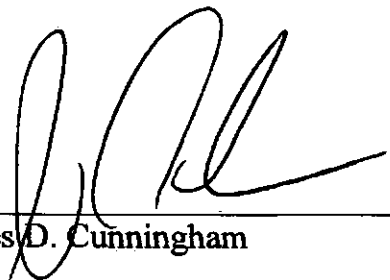
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